

Case 2:97-cv-03496-DRD-JAD Document 183-1 Filed 10/12/05 Page 1 of 4 PageID: 2198

COMPANY, :  
 :  
 Defendant/Third Party Plaintiff, :  
 :  
 v. :  
 :  
 ROBERT WALSH and ELIZABETH ANN :  
 DeMOLA, :  
 :  
 Third Party Defendants. :  
 \_\_\_\_\_ :

THOMAS D. FLINN, ESQ., of full age, hereby certifies as follows:

1. I am a partner in the firm of Garrity, Graham, Favetta & Flinn, P.C. As such, I am fully familiar with the facts as set forth herein.
2. I represent the interests of Defendant, Anthony M. Cicalese, Esq. in this matter.
3. In April of 2005, representatives from Garden State Indemnity, the insurer for Mr. Cicalese requested that I seek Mr. Cicalese's permission to withdraw as counsel for him for all Counts other than Count Six (negligence) of plaintiff's Complaint.
4. On or about April 26, 2005, at the direction of Garden State Indemnity we provided Mr. Cicalese with a correspondence and a Substitution of Attorney requesting that he substitute my firm's representation of him for all Counts of plaintiff's Complaint with the exception of Count Six (negligence).

5. Thereafter, Mr. Cicalese advised an attorney from my firm (Stephen F. Balsamo, Esq.) that he would not execute the Substitution of Attorney.
6. We advised Garden State Indemnity of Mr. Cicalese's refusal to execute the Substitution of Attorney. Thereafter, Garden State Indemnity directed us to file this Motion to Withdraw as Counsel.
7. This case has a protracted procedural history due a stay imposed to address related criminal matters. There is no date set for trial.

**CERTIFICATION**

I hereby certify that the foregoing statements made by me are true to the best of my information, knowledge and belief. I understand that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

S/THOMAS D. FLINN

THOMAS D. FLINN (1849)

Dated: October 12, 2005

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